

FORM 17. Personal Restraint Petition for Person Confined by State or Local Government

The Court of Appeals [Rule 16.7]
Division II 950 Broadway St 300 St 300
Tacoma, WA 98402 No. [appellate court]

[Put name of appellate court that you want to hear your case.]
OF THE STATE OF WASHINGTON

[Put your name here.]

Sammy B Weaver
Petitioner.

PERSONAL RESTRAINT PETITION

2020 JUL -6 PM 3:59

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of this form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

Sammy Burris Weaver / Coyote Ridge Correction Center PO Box 769 Connell WA, 99326
(full name and address)

apply for relief from confinement. I am ☒ am not ☐ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order:

(identify type of order)

1. The court in which I was sentenced is Mason County.

2. I was convicted of the crime(s) of Burglary 1st degree

felony threat/harassment

3. I was sentenced after ☒ after plea of guilty ☐ on

10-21-19 The judge who imposed sentence was

(date of sentence)

D. Goodell

(name of trial court judge)

4. My lawyer at trial court was Ronald Sergi

(name and address if known; if none, write "none")

411 North Fifth Street, Shelton WA 98584

5. I did ☒ did not ☐ appeal from the decision of the trial court. (If the answer is that I did), I appealed to

(name of court or courts to which appeal was taken)

My lawyer on appeal was

Nielson Broman & Koch, PLLC 1908 E Madison St. Seattle WA 98122

(name and address if known; if none, write "none")

The decision of the appellate court was ☐ was not ☒ published. (If the answer is that it was published, and I have this information), the decision is

(over)

The way this trial took place has been underhanded all along. Why does my public defender at the trial Ron Sergi deny me the ph# of the private ~~detective~~ investigator's that did her investigation. She gave me her business card while i was in the Mason Co. Jail. That card along with my other personal effects were not allowed for me to take to the Shelton Correctional facility. Nevertheless she gave me that card with her contact info and now Ron Sergi won't give it to me, why? She told me my accuser was lying. Why was she not called forth to testify? Ron Sergi won't tell me. This is more corruptness.

Victor
J. Weaver

published in _____
(volume number, Washington Appellate Reports or

Washington Reports, and page number)

6. Since my conviction I have _____ have not X asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked), the court I asked was _____

(name of court or courts in which relief was sought)
Relief was denied on _____

(date of decision or, if more than one, dates of all decisions)

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was _____

(name and address if known; if none, write "none")

8. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here:

1st Disregard for Rules of Evidence 2nd Denial of right to cross examine my accuser.

B. GROUNDS FOR RELIEF

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.). I claim that I have TWO (number) reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

Ground
(First, Second, etc.)

1. I should be given a new trial or released from confinement because
(Here state legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement.):

1st Disregard for Rules of Evidence 2nd Denial of Right to Cross examine my accuser.

2. The following facts are important when considering my case (After each fact statement, put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that, also.):

I doubt my Attorney would/will tell the truth, Has not so far.

3. The following reported court decisions (include citations if possible) in cases similar to mine show the error I believe happened in my case (If none are known, state "None known").: None Known

OVER for Grounds for Relief.

Ground ONE

At trial I simply asked that my acuser identify in some degree of detail the physical Evidence items presented against me, my Hunting Knife and a purported Firearm being a handle for my Automobile Jack. As these items were never displayed at/to my acuser for the crime of threat/intimidation he would never have been able to identify those items in their very unique design and form. Therefore presenting factual proof of his perjury.

Ground Two

Denial of my request to cross examine my acusers location in proximity of Purported Crime. His whereabouts in geographical positioning as to his testimonial statements. Prior to trial he described his location differently than the location submitted at trial. This in direct relation to perjury.

I am shocked, overwhelmed and appalled that Mason County is allowed to perform/conduct a trial Court in this absurd manner. This seems very un-Constitutional amongst other violations of human rights.

4. The following statutes and constitutional provisions should be considered by the court (If none are known, state "None known").:

None known

5. This petition is the best way I know to get the relief I want, and no other way will work as well because Acknowledgement of my

claims are/ have been disregarded

C. STATEMENT OF FINANCES

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do X do not ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.

2. I have a spendable balance of \$ 0 in my prison or institution account.

3. I do X do not ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am am not X employed. My salary or wages amount to \$ a month. My employer is

(name and address)

5. During the past 12 months I did did not X get any money from a business, profession or other form of self-employment. (If I did, it was and the total income I got was \$.)

(kind of self-employment)

6. During the past 12 months, I

did did not get any rent payments. If so, the total amount I got was \$ 0.

 get any interest. If so, the total amount I got was \$ 0.

 get any dividends. If so, the total amount I got was \$ 0.

 get any other money. If so, the amount of money I got was \$ 0.

7. have any cash except as said in answer 2. If so, the total amount of cash I have is \$ 0.

 have any savings accounts or checking accounts. If so, the amount in all accounts is \$ 0.

 own stocks, bonds, or notes. If so, their total value is \$ 0.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and

how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
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9. I am am not ☒ married. If I am married, my wife or husband's name and address is

10. All of the persons who need me to support them are listed here.

Name and Address	Relationship	Age
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None

11. All the bills I owe are listed here.

Name of creditor you owe money to	Address	Amount
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None

D. REQUEST FOR RELIEF

I want this court to:

 vacate my conviction and give me a new trial

☒ vacate my conviction and dismiss the criminal charges against me without a new trial

 other (specify)

E. OATH OF PETITIONER

THE STATE OF WASHINGTON

)

) ss.

County of

)

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Donny B. Weaver

[sign here]
SUBSCRIBED AND SWORN to before me this ____ day of _____.

Notary Public in and for the State
of Washington, residing at _____

If a notary is not available, explain why none is available and indicate who
can be contacted to help you find a notary: I cannot

get to a notary CORONA VIRUS involved

Then sign below:

I declare that I have examined this petition and to the best of my knowledge
and belief it is true and correct.

106-30-20 [date].
Henry B. Weaver
[sign here]

Amended effective November 21, 2006.